IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 15310 of 1994

Between:

1 Minda Veeravenkaiah S/o Brahmmaiah
Thirumalakunta village, Aswaraopet Mandal, Khammam Dist.
2 Minda Durga Rao S/o Brahmmaiah
Thirumalakunta village, Aswaraopet Mandal, Khammam Dist.

..... PETITIONERS

AND

1 District Collector, Khammam Dist.
2 Mandal Revemue Officer, Aswaraopet Mandal, Khammam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or an Order or a Direction more particularly in the form of Writ of Mandamus directing the Respondents not to evict the petitioners herein from the possession of the land of 1 acre 22 guntas in Survey No.215/2 and 1 acre 34 guntas in Survey No.215/3 in Thirumalakunta Village, Aswararaopet Mandal, Khammam Dist., without following the procedures and pass such other orders

For the Petitioner:MR.D.GOPAL RAO, Advocate.

For the Respondent No.: GP FOR REVENUE

The Court Made the Following :

ORDER:

This Writ Petition has been filed seeking a direction to the respondents not to evict the petitioners from the possession of their land to an extent of Ac.1.22 guntas in survey no.215/2 and Ac.1.34 guntas in Survey No.215/3 in Thirumalakunta village, Aswaraopet Mandal, Khammam District without following due procedure as per law.

The main contention urged by the learned Government Pleader is that the petitioners are non-Tribals and not landless poor, and they are illegally in occupation of the Government land. The learned Government Pleader also submits that the respondents are taking steps to evict the petitioners by following due process of law. The respondents filed counter stating that the petitioners are not in possession over the land in question as on the date of issuance of GO MsNo.41 dated 12.1.1971. It is also stated that the petitioners would not come under the purview of GO Ms.No.41 dated 12.1.1971, as they are not land less poor. The above disputed facts cannot be decided by this Court under Art.226 of the Constitution of India.

Under the above circumstances and in the interest of justice, it would suffice if

the respondents are directed to act in accordance with law if the petitioners still in possession of the land as on today.

With the above observations, this Writ Petition is disposed of. No costs.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 District Collector, Khammam Dist.
2 Mandal Revemue Officer, Aswaraopet Mandal, Khammam Dist.

3..2CCs to GP GFOR REVENUE, HIGH BUILDINGS,HYDERABAD(O.U.T.)

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